

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FILED
IN CLERKS OFFICE
2005 JAN 31 P 2:36

UNITED STATES OF AMERICA)
Petitioner)
V.)
JANICE CAGAN-TEUBER)
Respondent)

U.S. DISTRICT COURT
DISTRICT OF MASS.

M.B.D. No.
05 MBD 10056

**PETITION TO ENFORCE
INTERNAL REVENUE SERVICE SUMMONS**

The United States of America, on behalf of its agency, the Internal Revenue Service, and by its attorney, Michael Sullivan, United States Attorney for the District of Massachusetts, state that:

1. This proceeding for the enforcement of an Internal Revenue Service Summons is brought pursuant to sections 7402(b) and 7604(a) of the Internal Revenue Code of 1986, 26 U.S.C. sections 7402(b) and 7604(a).
2. Mary Anne Coburn is a Revenue Officer of the Internal Revenue Service authorized to issue summonses under the Internal Revenue Laws.
3. The respondent, Janice Cagan-Teuber resides or is found at 36 Kilsythe Road, Arlington, Massachusetts 02174 within the jurisdiction of this Court.
4. Section 6020(b) of the Internal Revenue Code of 1986, 26 U.S.C., authorizes the Secretary of the Treasury, acting by his agents and employees in the Internal Revenue Service, to make a return from his own knowledge and from such information as he can obtain through testimony or otherwise for a person who fails to file a return. For the purpose of making such a return, Section 7602 authorizes the Secretary to issue a Summons to the person to appear at a time and place named in the Summons, to produce such books, papers, records or other data, and to testify, as may be relevant or material to making the return.
5. On July 1, 2004, Revenue Officer Mary Anne Coburn issued, pursuant to Section 7602 of the Internal Revenue Code of 1986, a summons to Janice Cagan-Teuber, directing her to appear before Revenue Officer Mary Anne Coburn at One Montvale Avenue Stoneham, MA 02180 at 9:00 A.M. on July 13, 2004 and to produce for examination (and give testimony relating to) documents and financial records for the year(s) ending December 31, 1992, December 31, 1993, December 31, 1994, December 31, 1995, December 31, 1996, December 31, 1997, December 31, 1998, December 31, 1999, December 31, 2000, December 31, 2002 and December 31, 2003.

A copy of the Summons is attached to this Petition as "Exhibit A". On July 1, 2004, Revenue Officer Mary Anne Coburn served the Summons on Janice Cagan-Teuber by leaving an attested copy of the summons at the last and usual place of abode of the person to whom it was directed. Revenue Officer Mary Anne Coburn signed a certification on the face of the copy of the Summons served that it is a true and correct copy of the original.

6. Janice Cagan-Teuber has complied with the Summons with respect to the year(s) ending December 31, 1994, December 31, 1995 and December 31, 2000, December 31, 2001 and December 31, 2002, but has failed and refuses to comply with respect to the year(s) ending December 31, 1996, December 31, 1997 December 31, 1998, December 31, 1999 and December 31, 2003.


7. The records sought by the Summons are not now in the possession of the Internal Revenue Service, and their production by Janice Cagan-Teuber for examination by an officer of the Internal Revenue Service is necessary to make federal income tax returns for the year(s) ending December 31, 1996, December 31, 1997, December 31, 1998, December 31, 1999 and December 31, 2003.

WHEREFORE, the petitioners pray that:

1. Janice Cagan-Teuber be ordered to show cause, if any she has, why she should not obey the Summons;
2. Janice Cagan-Teuber be ordered to obey the Summons at a time and place to be fixed by Revenue Officer Mary Anne Coburn or by any other officer of the Internal Revenue Service authorized to examine the records and take testimony; and
3. The cost of this action to be awarded to the United States.

By its attorney,

MICHAEL J. SULLIVAN
United States Attorney

By: 
BARBARA HEALY SMITH
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3282

Dated: JANUARY 31, 2005



Summons

EXHIBIT A

In the matter of JANICE CAGAN-TEUBER, 36 KILSYTHE ROAD, ARLINGTON, MAInternal Revenue Service (Division): Small Business/Self EmployedIndustry/Area (name or number): Small Business/Self Employed Area: 1Periods See attachment for Period information

The Commissioner of Internal Revenue

To JANICE CAGAN-TEUBERAt 36 KILSYTHE ROAD, ARLINGTON, MA

You are hereby summoned and required to appear before MARY ANNE COBURN, an officer of the Internal Revenue Service, to give testimony and to bring with you and to produce for examination the following books, records, papers, and other data relating to the tax liability or the collection of the tax liability or for the purpose of inquiring into any offense connected with the administration or enforcement of the internal revenue laws concerning the person identified above for the periods shown.

All documents and records in your possession or control reflecting the receipt of taxable income by you for the year(s) See attachment for Period Information, including but not limited to: statement of wages for the year(s) See attachment for Period information, statements regarding interest or dividend income for the year(s) See attachment for Period information; employee earnings statements for the year(s) See attachment for Period information; records of deposits to bank accounts during the year(s) See attachment for Period information; and any and all other books, records, documents, and receipts regarding wages, salaries, tips, fees, commissions, and any other compensation for services (including gains from dealings in property, interest, rental, royalty and dividend income, alimony, annuities, income life insurance policies and endowment contracts, pensions, income from the discharge of indebtedness, distributive shares of partnership gross income, and income from an estate or trust), so that Federal Income Tax liability for the year(s) See attachment for Period information (for which year(s) no return have been made) may be determined.

Do not write in this space

Business address and telephone number of IRS officer before whom you are to appear:

ONE MONTVALE AVENUE, STONEHAM, MA 02180-3567 781-835-4206

Place and time for appearance at: ONE MONTVALE AVENUE, STONEHAM, MA 02180-3567

on the 13TH day of JULY, 2004 at 9:00 o'clock A m.Issued under authority of the Internal Revenue Code this 1st day of July, 2004

Maryanne Coburn

Signature of Issuing Officer

REVENUE OFFICER

Title

Signature of Approving Officer (if applicable)_____
TitleForm 2039(Rev. 12-2001)
Catalog Number 21405J

Original -- to be kept by IRS

CALENDAR PERIODS ENDED DECEMBER 31, 1992, DECEMBER 31, 1993, DECEMBER 31, 1994,
DECEMBER 31, 1995, DECEMBER 31, 1996, DECEMBER 31, 1997, DECEMBER 31, 1998, DECEMBER 31,
1999, DECEMBER 31, 2000, DECEMBER 31, 2002, DECEMBER 31, 2003

~~1992~~ 96 97

98 99

2003

02174



Service of Summons, Notice and Recordkeeper Certificates

(Pursuant to section 7603, Internal Revenue Code)

I certify that I served the summons shown on the front of this form on:

Date

July 1, 2004

Time

3:10 pm

**How
Summons
Was
Served**

1. ☐

I certify that I handed a copy of the summons, which contained the attestation required by § 7603, to the person to whom it was directed.

2. ☒

I certify that I left a copy of the summons, which contained the attestation required by § 7603, at the last and usual place of abode of the person to whom it was directed. I left the copy with the following person (if any): *Left in unfranked sealed envelope inside mail slot of front porch*

3. ☐

I certify that I sent a copy of the summons, which contained the attestation required by § 7603, by certified or registered mail to the last known address of the person to whom it was directed, that person being a third-party recordkeeper within the meaning of § 7603(b). I sent the summons to the following address:

Signature

[Signature]

Title

Revenue Officer

4. This certificate is made to show compliance with IRC Section 7609. This certificate does not apply to summonses served on any officer or employee of the person to whose liability the summons relates nor to summonses in aid of collection, to determine the identity of a person having a numbered account or similar arrangement, or to determine

whether or not records of the business transactions or affairs of an identified person have been made or kept.

I certify that, within 3 days of serving the summons, I gave notice (Part D of Form 2039) to the person named below on the date and in the manner indicated.

Date of giving Notice: _____

Time: _____

Name of Noticee: _____

Address of Noticee (if mailed): _____

**How
Notice
Was
Given**

☐

I gave notice by certified or registered mail to the last known address of the noticee.

☐

I gave notice by handing it to the noticee.

☐

I left the notice at the last and usual place of abode of the noticee. I left the copy with the following person (if any).

☐

In the absence of a last known address of the noticee, I left the notice with the person summonsed.

☐

No notice is required.

Signature

Title

I certify that the period prescribed for beginning a proceeding to quash this summons has expired and that no such proceeding was instituted or that the noticee consents to the examination.

Signature

Title

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
Petitioner)
V.)
JANICE CAGAN-TEUBER)
Respondent)

M.B.D. No.

05 MBD 10056

DECLARATION OF REVENUE OFFICER

I, Mary Anne Coburn, declare:

1. I am a duly commissioned Revenue Officer employed in the Small Business/Self Employed Division of the Office of the Area Director of the Internal Revenue Service at One Montvale Avenue Stoneham, MA 02180. I make this declaration based on personal knowledge or information provided to me in the course of my employment.

2. In my capacity as a Revenue Officer, I am conducting an investigation to determine the tax liability of Janice Cagan-Teuber for the period(s) ending December 31, 1996, December 31, 1997, December 31, 1998, December 31, 1999 and December 31, 2003.

3. In furtherance of the above investigation and in accordance with 26 U.S.C. § 7602, I issued on July 1, 2004, an administrative summons to Janice Cagan-Teuber to give testimony and to produce documents as described in same summons. The summons is attached to the Petition as Exhibit B.

4. In accordance with 26 U.S.C. § 7603, on July 1, 2004, I served an attested copy of the Internal Revenue Service summons described in paragraph 3 above on the respondent. Janice Cagan-Teuber, by leaving an attested copy of the summons at the last and usual place of abode of the person to whom it was directed, as evident in the certificate of service on the reverse side of the summons.

5. On July 13, 2004, Janice Cagan-Teuber failed to comply with the summons. The respondent's refusal to comply with the summons continues to the date of this Declaration.

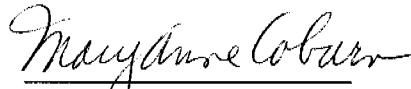
6. The books, papers, records or other data sought by the summons are not already in possession of the Internal Revenue Service.

7. All administrative steps required by the Internal Revenue Code for issuance of a summons have been taken.

8. It is necessary to obtain the testimony and to examine the books, papers, records or other data sought by the summons in order to determine the federal tax liability of Janice Cagan-Teuber for the period(s) ending December 31, 1996, December 31, 1997, December 31, 1998, December 31, 1999 and December 31, 2003.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 13th day of October, 2004



Mary Anne Coburn
Revenue Officer